

From: [Burgess, Karen](#)
To: [Evans, Alison \(ECY\)](#)
Cc: [Lidgard, Michael](#)
Subject: EPA Comments Draft NPDES Permit, King County West Point WWTP
Date: Monday, December 01, 2014 11:51:00 AM
Attachments: [image001.gif](#)
[image002.png](#)

Ms. Alison Evans
Washington State Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452
(via email to AEVA461@ECY.WA.GOV)

Dear Ms. Evans:

The U.S. Environmental Protection Agency reviewed the above-referenced draft permit pursuant to the NPDES Memorandum of Agreement between the Washington Department of Ecology and United States Environmental Protection Agency Region 10 (MOA) and the EPA's obligation to oversee implementation of the NPDES programs by delegated states. The EPA reviewed the draft permit for consistency with the Clean Water Act and NPDES implementing regulations and with the Department of Ecology's (Ecology) regulations and permit writing guidance.

The EPA completed a screening-level review of the above-mentioned draft NPDES permit. Although our review was not comprehensive, the following concern must be addressed to ensure consistency with the CWA and NPDES regulations.

The proposed draft permit removes discharge event maximum settleable solids effluent limits of 1.9 mL/L for all four CSO treatment plant discharges. Presumably these limits were developed in a previous version of the NPDES permit as a technology-based effluent limit based on best professional judgment (BPJ). CWA section 402(o) expressly prohibits backsliding from certain existing effluent limitations. The fact sheet must explain how removal of these effluent limits is consistent with CWA section 402(o) and exceptions to the general prohibition outlined in part (2) of that section or anti-backsliding regulation at 40 CFR 122.44(l). Refer to EPA's Permit Writers' Manual (http://www.epa.gov/npdes/pubs/pwm_2010.pdf), section 7.2, for information about applying the anti-backsliding provisions in NPDES permitting.

Please let me know if you have any questions regarding these comments. Sincerely, Karen

KAREN BURGESS, P.E.

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